



PATENT APPLICATION

IN THE U.S. PATENT AND TRADEMARK OFFICE

May 5, 2010

Applicant: Anthony Denis McCORMACK

For: TOBACCO SMOKE FILTER

Serial No.: 10/536 943 Group: 1791

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Commissioner for Patents
P.O. Box 1450
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REPLY BRIEF UNDER 37 CFR 41.41

Sir:

This Reply Brief is filed pursuant to the provisions of 37 CFR 41.41 and is directed to points of arguments raised in the Examiner's Answer.

(Please see the following pages.)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 5, 2010.


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REMARKS

At page 7, lines 16-19 of the Examiner's Answer, the Examiner has stated that the comparative results are not commensurate in scope with what is being claimed. Applicant responds as follows:

1) Example B illustrates that a filter containing activated carbon having the micropore and mesopore volumes defined in Claim 1 have satisfactory characteristics (page 8, Table, column 3).

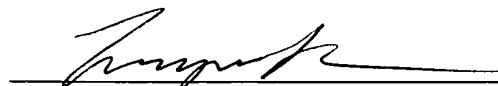
2) Comparative Example M on page 9 has a mesopore volume of 0.28. This is within the scope of Claim 1 and very close to 0.3, the mesopore volume of Example B. Comparative Example M has a micropore volume of 0.31, which is just over the claimed maximum of 0.3 required in Claim 1. However, Comparative Example M has a very poor menthol yield and mentholated VP and is completely unsatisfactory.

3) Comparative Example G on page 8 has a micropore volume of 0.23, which is well within the range required in Claim 1 and similar to that of Example B. However, it has a mesopore volume of 0.04 which is outside that required in the present claims and, as such, Comparative Example G has a very poor menthol yield and mentholated VP and is unsatisfactory.

For the reasons discussed above, Applicant respectfully submits that the objective test data contained in the present specification confirms that it is the combination of defined micropore and mesopore volumes which provide the unexpected technical benefits associated with the presently claimed invention and clearly establish the unobviousness thereof. Values slightly outside the volume defined in the claims lead to a significantly decreased filter performance. Therefore, the patentability of the presently claimed invention clearly has been established.

Favorable consideration is respectfully solicited.

Respectfully submitted,



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TFC/smd

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